

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

KEVIN JOHNSON,

Petitioner,

vs.

TROY STEELE,

Respondent.

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No. 4:13-CV-2046 (CEJ)

CAPITAL HABEAS

MEMORANDUM AND ORDER

This matter is before the court on petitioner's motion for an extension of time to file a traverse. Petitioner also requests leave to file a motion for an evidentiary hearing. The respondent does not object to the petitioner's proposed deadlines.

Petitioner has filed a petition for a writ of habeas corpus that is more than 300 pages in length, excluding exhibits. A cursory reading of the petition shows that it contains a great deal of information that is unrelated to the state court proceedings and the constitutional claims that are at issue. The response to the petition exceeds 200 pages, a length that appears to be necessitated by the number and nature of the claims petitioner has asserted.

Petitioner requests a 60-day extension to file a traverse to reply to the respondent's arguments on the merits and the allegations of procedural default. The court finds the reasons proffered for the request are adequate. The petitioner should have the opportunity to reply to the issues raised in the response and, therefore, the court is amenable to granting the extension. However, petitioner will be required to tailor his reply to address those issues without merely re-stating

arguments made in his petition. The court believes that imposing a page limit is both necessary and appropriate to ensure that the reply is properly focused.

Petitioner's second request will also be granted. Petitioner will be allowed to file a motion for an evidentiary hearing after the traverse is filed.

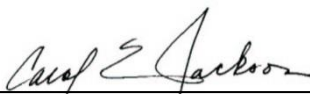
Accordingly,

IT IS HEREBY ORDERED that petitioner's motion for extension of time to file traverse and motion for evidentiary hearing [Doc. #71] is **granted**.

IT IS FURTHER ORDERED that petitioner shall have until **February 19, 2016** to file a traverse.

IT IS FURTHER ORDERED that the traverse may not exceed 50 pages.

IT IS FURTHER ORDERED that petitioner may file a motion requesting an evidentiary hearing within 30 days after filing the traverse.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 19th day of November, 2015.